

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CARLTON CHANDLER,

Defendant-Appellant.

UNPUBLISHED

March 11, 2003

No. 238193

Wayne Circuit Court

LC No. 01-004273

Before: Kelly, P.J., and White and Hoekstra, JJ.

MEMORANDUM.

Defendant appeals as of right his jury conviction for felonious assault, MCL 750.82. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Along with its guilty verdict, the jury submitted a note to the trial court:

Your honor,

The juror group respectfully submit our belief the prosecuting attorney and the defense attorney failed to present the required sources and evidence for such an important life issue. We present to you our decision taking all things in consideration available to us and concede to your judgment for consideration while sentencing.

Defendant was charged with assault with intent to rob while armed and felony firearm. The jury found him not guilty of those charges, but guilty of felonious assault. On appeal, defendant argues that the note made the jury's verdict ambiguous, and the trial court had a duty to clarify the verdict. The jury clearly found defendant guilty of felonious assault. The jury expressed displeasure with the presentation of the case. However, there is no indication that the jury was confused about any aspect of the case or its duty, and there was no need for clarification. A jury's verdict is not void for uncertainty where the jury's intent can be clearly deduced from the record. *People v Rand*, 397 Mich 638, 643; 247 NW2d 508 (1976).

There was sufficient evidence to support the verdict. In determining whether sufficient evidence has been presented to sustain a conviction, a reviewing court must view the evidence in a light most favorable to the prosecution, and determine whether any rational finder of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt.

People v Wolfe, 440 Mich 508, 515; 489 NW2d 748, amended 441 Mich 1201 (1992). “The standard of review is deferential: a reviewing court is required to draw all reasonable inferences and make credibility choices in support of the jury verdict.” *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

The elements of felonious assault are (1) an assault, (2) with a dangerous weapon, and (3) with the intent to place the victim in reasonable fear or apprehension of immediate battery. *People v Lawton*, 196 Mich App 342, 349; 492 NW2d 810 (1992). Complainant’s testimony that defendant pointed a weapon at him and asked him for his chain was sufficient to show an assault with a dangerous weapon, and a fear of immediate battery may be inferred. *Id.* at 349-350.

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Helen N. White
/s/ Joel P. Hoekstra